

II. THIS COURT HAS DIVERSITY JURISDICTION

3. Plaintiffs, both at the time of filing the Complaint and as of the date of filing this Notice, were and are residents and citizens of Sullivan County, Tennessee. (Compl. ¶ 1.)

4. ABIC is not a corporate citizen of the State of Tennessee. Both at the time of filing the Complaint and as of the date of filing this Notice, ABIC was and is a corporation organized under the laws of the State of Florida, with its principal place of business in Florida. (Compl. ¶ 2; see Ex. B.)

5. Complete diversity of citizenship exists between Plaintiffs and ABIC for purposes of this Court's exercise of original jurisdiction under 28 U.S.C. § 1332.

6. This case involves claims by Plaintiffs against ABIC for alleged breaches of an insurance contract, violation of Tennessee's bad faith statute, Tenn. Code Ann. § 56-7-105, and violation of the Tennessee Consumer Protection Act ("TCPA"). (Compl. ¶ 11.) Plaintiffs seek judgment against ABIC for \$100,000.00 in compensatory damages, plus treble damages and attorneys' fees under the TCPA. (Id. Prayer for Relief ¶¶ 2, 3.) Alternatively, Plaintiffs seek, in addition to \$100,000.00 compensatory damages, damages under Tennessee's bad faith statute, which allows an award of up to twenty-five percent (25%) of the alleged liability under the insurance contract. (Id. Prayer for Relief ¶ 3.) The allegations in the Complaint evidence that more than \$75,000.00, exclusive of interest and costs, is in controversy.

III. THIS NOTICE OF REMOVAL IS PROCEDURALLY CORRECT

7. Pursuant to 28 U.S.C. § 1446(a), ABIC is attaching to this Notice of Removal a copy of the complete state court record from the Chancery Court for Sullivan County, Tennessee.

8. The state court from which this action is removed—Chancery Court for Sullivan County, Tennessee—is within this Court’s federal district and division. Therefore, venue is proper in this Court pursuant to 28 U.S.C. § 1441(a).

9. ABIC will promptly provide written notice of the removal of this action to Plaintiffs and the Chancery Court for Sullivan County, Tennessee, by filing a Notice of Filing Notice of Removal, together with a copy of this Notice of Removal, and by serving the same on counsel for Plaintiffs, as provided under 28 U.S.C. § 1446(d).

WHEREFORE, based upon the foregoing, ABIC removes this action from the Chancery Court for Sullivan County, Tennessee, to the United States District Court for the Eastern District of Tennessee, Greeneville Division.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I have on August 28, 2012, caused a copy of the foregoing document to be filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt.

Notice of this filing will also be sent to the following parties via United States Mail, with sufficient postage thereon to carry the same to its destination:

K. Jeff Luethke
155 Shelby Street
Kingsport, Tennessee 37660

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.

By: s/Chad E. Wallace